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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

08/11/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/11/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/091,275	07/09/2001	Arnd Krusche	282845US8X	7558
TITLE OF INVENTION: METHOD FOR CONTROLLING NETWORK DEVICES VIA A MMI				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/12/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22850 7590 08/11/2008

**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.**  
**1940 DUKE STREET**  
**ALEXANDRIA, VA 22314**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/001.275 07/09/2001

Arnd Krusche

282845US8X

7558

**TITLE OF INVENTION: METHOD FOR CONTROLLING NETWORK DEVICES VIA A MMI**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/12/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZHOU, TING	2173	715-853000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ZHOU, TING				
ART UNIT			PAPER NUMBER	

2173  
DATE MAILED: 08/11/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 187 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 187 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

09/901,275

**Examiner**

TING ZHOU

**Applicant(s)**

KRUSCHE ET AL.

**Art Unit**

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/18/08.
2. ☒ The allowed claim(s) is/are 48-62.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

1. The Request for Continued Examination (RCE) filed on 18 June 2008 under 37 CFR 1.53(d) based on parent Application No. 09/901,275 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 18 April 2008, submitted with the filing of the RCE have been received and entered. Claims 48-69 as amended are pending in the application.

**PROPOSED EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Love (Reg. No. 58,421) on 21 July 2008 and 6 August 2008.

4. The application has been amended as follows:
  - a. The specification is amended as follows:
    - i. Replace the heading Description at the top of page 2 with the heading --  
BACKGROUND OF THE INVENTION--.

ii. Add the heading --1. Technical Field -- above line 1 on page 2 (underneath BACKGROUND OF THE INVENTION).

iii. Add the heading -- 2. Description of Related Art -- at line 6 on page 2 (Before the start of the second paragraph).

iv. Add the heading -- BRIEF SUMMARY OF THE INVENTION -- at the top of page 6 (before line 1).

v. Add the heading -- BRIEF DESCRIPTION OF THE DRAWINGS -- at line 25 on page 9.

vi. Add the heading -- DETAILED DESCRIPTION OF THE INVENTION -- at line 14 on page 10.

b. The claims are amended as follows:

vii. Claim 48 is amended to read:

Claim 48. A method for controlling network devices via a home network, the network devices being connected to said home network via different protocol standards, comprising:

displaying generated icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal, icons of a plurality of services provided by each device grouped according to the type of services provided, and menus including the functions which are operable with the associated network device or service;

at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the home network;

receiving a selection of a network device or a service by a user selecting one of the displayed icons;

selectively displaying the menu of a selected network device or service, the menu including the functions which are operable with the selected network device or service;

receiving a selection of a function in the selectively displayed menu; and

controlling the network device or service to execute the selected function based on a respective one of the protocol standards,

wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device or to a device capable of receiving said data stream via the home network.

viii. Claim 51 is amended to read:

Claim 51. The method according to claim 50, wherein at least partially displaying the icons with a hierarchical structure further includes organizing the icons according to the kind of sub-networks connected to said network.

ix. Claim 55 is amended to read:

Claim 55. A controller including a man-machine interface for controlling network devices via a home network, the network devices being connected to said home network via different protocol standards, comprising:

means for displaying generated icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal, icons of a plurality of services provided by each device according to the type of services provided, and menus including the functions which are operable with the associated network device;

means for at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the home network;

means for receiving a selection of a network device or service by a user selecting one of the displayed icons;

means for selectively displaying the menu of a selected network device or service, the menu including the functions which are operable with the selected network device or service;

means for receiving a selection of a function in the selectively displayed menu; and

means for controlling the network device or service to execute the selected function based on a respective one of the protocol standards,

wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device or to a device capable of receiving said data stream via the home network.



x. Claim 58 is amended to read:

Claim 58. The controller according to claim 57, wherein means for at least partially displaying the icons with a hierarchical structure further includes means for organizing the icons according to the kind of sub-networks connected to said network.

xi. Claim 62 is amended to read:

Claim 62. A computer readable storage medium having computer readable program code stored thereon for causing a computer to provide a man-machine interface for controlling network devices via a home network, the network devices being connected to said home network via different protocol standards, the computer readable medium comprising executable instructions that cause a computer to:

displaying generated icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal, icons of a plurality of services provided by each device according to the type of services provided, and menus including the functions which are operable with the associated network device or service;

at least partially display the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the home network;

receive a selection of a network device or service by a user selecting one of the displayed icons;

selectively display the menu of a selected network device or service, the menu including the functions which are operable with the selected network device or service;

receive a selection of a function in the selectively displayed menu; and

control the network device or service to execute the selected function based on a respective one of the protocol standards,

wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device or to a device capable of receiving said data stream via the home network.

xii. Cancel claims 63-69.

***Allowable Subject Matter***

5. Claims 48-62 are allowed.

6. The following is an examiner's statement of reasons for allowance: The present invention teaches controlling various kinds of home network devices via a man-machine interface. Each of the independent claims identifies the distinct feature of displaying generated icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal, icons of a plurality of services provided by each device grouped according to

the type of services provided, and menus including the functions which are operable with the associated network device or service. The closest prior art, Microsoft® Windows (hereinafter “Windows”), copyright 1998 (Screenshot 1) and Wendorf et al. U.S. Patent 7,257,821 (hereinafter “Wendorf”) teach an interface that displays a hierarchical view of home devices connected to a home network. In the case of the Windows reference, Windows teaches generating icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal and menus including the functions which are operable with the associated network devices (Screenshot 2 shows the display of a plurality of icons representing devices that are connected and available to the computer network, for example, an Audio CD player that is capable of reproducing/playing audio CDs); at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the network (the icons representing the devices are shown in a hierarchical tree display in Screenshot 2; each of the devices have a menu of available functions associated with it, as shown in Screenshot 3, that can be shown by right-clicking on the device icon); receiving a selection of a network device by a user selecting one of the displayed icons (for example, selection of the Audio CD device icon, as shown in Screenshots 3 and 4); selectively displaying the menu of a selected network device, the menu including the functions which are operable with the selected network device (a menu of available functions such as “Play” are displayed upon user selection via right-clicking the corresponding device icon, as shown in Screenshots 3 and 4); receiving a selection of a function in the selectively displayed menu (users can select any of the functions displayed in the menu shown in Screenshot 3, such as the “Play” function); and controlling the network device to execute the selected function (the

network device, i.e. CD player will execute the function of the playing the CD upon selection of the “Play” function in the menu shown in Screenshot 3), wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the network (upon user selection of the “Play” function, the selected network device of the Audio CD player will play the data stream, i.e. a particular track selected on the providing network device, i.e. the computer, as shown in Screenshots 6-8). In the case of the Wendorf reference, Wendorf teaches controlling home devices connected to a home network based on a respective one of different protocol standards (the communication system of the in-home network operates the in-home devices using predetermined home protocols) (Wendorf: column 1: lines 40-49), and wherein execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network (a user can program his home VCR from his remote office PC, i.e. data signals are sent from the user’s office to the user’s home network) (Wendorf: column 1, lines 12-17). The prior art fails to teach displaying icons generated for all the services provided by a network device, grouped according to the type of services provided, in addition to displaying icons generated to represent the network devices themselves and menus associated with the device or service. Thus, the prior art fails to anticipate or render the above limitations obvious.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TING ZHOU whose telephone number is (571)272-4058. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TZ  
/Ting Zhou/  
Primary Examiner, Art Unit 2173